

## OFFICE OF PROCUREMENT

Perform Proposal Evaluation  
LMS-OP-4516 Revision: H

Approval original signed on file  
Organizational Unit Manager, Office of Procurement  
Date 5/13/08

NASA Langley Research Center (LaRC)  
Langley Management System (LMS)

## CHANGE RECORD

Rev. No.	Date	Description
B	07/24/00	Revises the procedures for obtaining EEO compliance checks and subcontracting plan reviews. Adds procedures for obtaining Safety & Health plan and Compensation plan evaluations. Incorporates LMS-TD-4547 Tabs 54, 56, 61, and 77 and a portion of Tab 65.
C	03/14/01	Revises procedure to remove information redundant to regulations or that only refers to another procedure. Increases threshold for obtaining pricing support.
D	02/20/02	Incorporates information from LMS-TD-4547, Tabs 65 & 67 and deletes references to NF 1098 tabs.
E	09/25/02	Title change. Adds section II regarding records. Changes Paragraph III B. to show correct branch name, clarifies responsibilities of SBS/IAR in Paragraph F., corrects title from "IRO" to "Contractor Labor Relations Officer" in Paragraph G. per NPD 5200.1D, corrects form number LF P141 in Paragraph I., deletes table in Paragraph K.
E-1	2/6/03	Paragraph IV C. Clarifies Determination of Responsibility requirements.
E-2	4/18/03	Corrects organizational references.
F	8/4/03	Adds Paragraph D, vendor verification requirement effective with IFMP implementation; reletters paragraphs; and clarifies review and evaluation responsibilities.
G	6/30/04	Revises Paragraph IV. G to include review by SBA Procurement Center Representative.
G-1	10/8/04	Updated location of the kickoff meeting memoranda, Paragraph IV., A. Clarifies vendor request form submittal, Paragraph IV. D. Clarifies requirements throughout.
G-2	6/13/06	Updated location of kickoff meeting memoranda, corrects organizational references, and minor changes throughout for clarification.
G-3	4/3/07	Paragraph IV, A, deleted preference to kickoff memoranda sample. Paragraph IV, D identify correct software system (CMM).
H	5/13/08	Paragraph IV, B, delete LF P107; require use of LF P115; clarify in G. the term waiver; and in K. address the use of ORCA vs hard copy reps and certs submission.

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*Verify correct revision before use by checking the LMS Web Site*

## I. Introduction

Evaluating the offers received in response to a solicitation is a critical part to the overall procurement process. Depending on the dollar value of the procurement and the procurement approach, the evaluation will involve a number of meetings, reviews, notices and determinations. The Contract Specialist (CS) is the focal point for interaction between the Contracting Officer (CO) and the Technical Representative or Evaluation Team.

## II. Records

Records generated by this procedure are contained in the Contract Files.

## III. Listing of Instruction Topics

- A. Evaluation Kickoff Meeting
- B. Pricing Support
- C. Determination of Responsibility
- D. Vendor Verification
- E. EEO Compliance
- F. Safety and Health Plan
- G. Subcontracting Plan
- H. Compensation Plans
- I. Patent and Data Rights
- J. Software License Issues
- K. Representations and Certifications
- L. Initial Evaluation
- M. Competitive Range Decision
- N. Final Proposal Revisions
- O. Final Evaluation

## IV. Instructions

A. Evaluation Kickoff Meeting - An evaluation kickoff meeting shall be conducted by the CS for competitively negotiated procurements over \$5,000,000, or as decided by the cognizant Contracting Branch Head, as promptly as possible after receipt of proposals. The meeting provides a forum for the Procurement Team to review the evaluation criteria, check for any conflicts of interest, review security issues, review procedures and lessons learned for the initial evaluation and individual voting member reviews, and establish a strategy for timely completion of the evaluation and award processes. (Note: A kickoff meeting may be conducted for any procurement if it will benefit the overall evaluation and award process.)

Attendees shall include the Source Evaluation Board (SEB) or Team (SET) members, a representative from the Office of Chief Counsel (OCC), a Price/Cost Analyst, if applicable, CS, CO, and Contracting Branch Head. The attendee list should be commensurate with the value of the procurement (i.e., for SEB level procurements, normally all voting members and consultants attend). It must be assured that team members have no conflicts of interest. (Contact the OCC to assure no conflicts exist if a questionable situation arises.)

Upon completion of the evaluation kickoff meeting, the CS shall document the proceedings in a memorandum for record. This memorandum, signed by the CS, shall include the date the meeting was held, name of the attendees and a statement that a conflict of interest briefing was given to the attendees.

B. Pricing Support - Pricing support, as provided by the Business Management Branch (BMB), is required for all procurement actions that exceed \$1M (unless requirement is waived by OP Branch Head) and may be requested for lower dollar value procurements if deemed appropriate by the CO. The pricing report provides a detailed review of the proposed elements of cost giving consideration to input from the cognizant audit agency and technical representative or evaluation team. (The audit data obtained is provided as an enclosure to the report.) When pricing support is not requested, the CS assumes full responsibility for performing price/cost analysis and contacting cognizant audit agency.

C. Determination of Responsibility - In accordance with FAR Part 9, the CS must insure that contracts are awarded to responsible contractors only. Accordingly, prior to contract award, a responsibility determination shall be made and documented by using the LF P115, Determination of Responsibility, with supporting documentation. If the information obtained to support a determination clearly indicates that the Contractor is not responsible, this shall be so documented. If the prospective contractor is a small business firm, the CO shall, in accordance with NFS Part 19.6, request a preaward survey (SF 1403), review the survey results, and if a nonresponsibility determination is still warranted, comply with FAR Part 19.6, prior to determining the firm nonresponsible.

D. Vendor Verification - Upon receipt of proposals, the CS shall verify all vendors are currently in the Contract Management Module (CMM). If the vendor is not currently in CMM, the CS shall complete the appropriate vendor request form and forward to the Expeditor Support Contractor with a copy to Mary Deuell.

E. Equal Employment Opportunity (EEO) Compliance - In accordance with FAR Part 22.8, the CS shall verify or request whether a contractor or first tier subcontractor has a favorable EEO preaward clearance for contracts/subcontracts valuing \$10M or greater. The CS shall first search the Office of Federal Contract Compliance Programs (OFCCP) National Pre-Award Registry at <http://www.dol-esa.gov/preaward/> for current compliance check information. A print screen of the results of this search shall be retained in the contract file. If no information is available in the registry for the prospective contractor/subcontractor, the CS shall request a clearance directly from the cognizant OFCCP Regional Office using the Virtual Procurement Office (VPO) build template.

F. Safety and Health Plan – Upon receipt of proposed safety and health plans, a Safety and Facility Assurance Branch (SFAB) representative shall evaluate the plans in accordance with FAR Part 23 and NFS Part 1823. SFAB representative, acting as a consultant, shall document and provide the plans' strengths and weaknesses to the evaluation team. Final proposed safety and health plans for successful offerors shall be reviewed by the SFAB representative for final concurrence. The reasons for recommending disapproval of a plan or any deficiencies contained within a plan shall be annotated by SFAB representative.

G. Subcontracting Plan - Upon receipt of proposed subcontracting plans in response to a competitive negotiated requirement, where small business subcontracting goals are to be evaluated, either the BMB, Industry Assistance Representative (IAR) or the OP Small Business Specialist (SBS) shall evaluate the plans in accordance with FAR Part 19.7. The IAR/SBS, acting as a consultant, shall document and provide the plans' strengths and weaknesses to the evaluation team. When subcontracting plans are received under sealed bid procedures, the CS and the IAR/SBS shall conduct the review. Final proposed subcontracting plans for successful offerors shall be reviewed and approved via a LF P245, "Review or Waiver of Subcontracting Plan." The reasons for recommending disapproval of a plan or any deficiencies contained within a plan shall be annotated on the LF P245. Failure to comply with Subcontracting Plan requirements constitutes grounds for withholding the contract award. If, however, the CS, in consultation with the IAR/SBS, determines that there are no subcontracting opportunities for a pending acquisition, a written determination to the subcontracting requirement must be prepared outlining the circumstances. The CS shall forward a LF P245, with the written determination, for IAR/SBS review, subsequent concurrence by the CO and the LaRC SBA Procurement Center Representative and approval by one level above the CO. (The term waiver is used to describe the written determination on the LF P245.)

H. Compensation Plans - When offeror professional and/or nonprofessional compensation plans are to be evaluated, the Labor Relations Officer, acting as a consultant, shall document and provide the plan's strengths and weaknesses to the evaluation team.

I. Patent and Data Rights - The CS shall note any patent or data rights issues or conditions presented by offerors while evaluating proposals. Questions that are not clearly answered by reviewing the contract clauses, solicitation provisions, FAR Part 27 or NFS 1827 shall be referred to OCC.

J. Software License Issues - The CS shall note any computer software license issues or conditions presented by offerors while evaluating proposals. Proposed software license agreements shall be reviewed by the evaluation team to ensure its terms are acceptable and consistent with FAR and NFS, including applicable data rights clause(s). Questions that are not clearly answered by reviewing the contract clauses, solicitation provisions, FAR Part 27 or NFS Part 1827 shall be referred to the OCC. All software license agreements for successful offerors shall be forwarded, using the LF P141, "Request for Legal Review," to OCC for review. Only approved agreements shall be incorporated in any resulting contract and signed by the CO.

K. Representations and Certifications - Review the Representations and Certifications (Reps/Certs). Note any missing data and/or exceptions taken and attempt to resolve these issues early during the evaluation process. Refer to the applicable portions of the FAR and NFS for additional guidance pertaining to specific Reps/Certs. In accordance with FAR 4.1201(c), when an offeror has completed Reps/Certs electronically via the Online Representations and Certifications Application (ORCA) the CS shall document in a memorandum to the file the following: the date of ORCA Reps/Certs review; provide a statement if the Reps/Certs comply with the requirements of the solicitation and whether or not they support the responsibility determination; and include a reference to the ORCA website with the offeror's DUNS number. The CS does not have to include a paper copy of the electronically-submitted Reps/Certs in the file. However, if an offeror identifies changes to ORCA data pursuant to the FAR provisions at 52.204-8(c) or 52.212-3(k), the CS must include a copy of the

changes in the contract file. Any associated documentation generated during the evaluation process shall be retained in the contract file. When requesting legal review via the LF-P141, identify the ORCA website and the applicable DUNS number on the form.

L. Initial Evaluation – The report or charts will vary in the amount of detail included depending upon the dollar value and/or complexity of the procurement.

Since the evaluation report is Source Selection Information, it shall be hand carried to attendees as follows:

- For SETs, at least 2 working days before the meeting
- For SEBs, at least 5 working days before the meeting

The following 3 paragraphs are guidance:

For SEBs, the evaluation findings should be presented to the CO at a meeting. If the CO determines that discussions are not necessary and that a selection can be made, then a meeting should be held with the Source Selection Authority (SSA) to present the SEB findings.

Because of the difficulty of getting on the SSA's calendar, when the SSA is outside of OP, it is a good idea to set up a tentative meeting with him/her at the time the meeting with the CO is scheduled. If the CO determines that discussions are necessary, he/she should verbally notify the SSA of this fact and the basis therefor, and the tentative meeting with the SSA should be canceled.

For SETs below the SEB threshold where the SSA is an OP employee, a presentation at the initial findings meeting is optional. For larger or more complex procurements or those with controversial issues or close evaluation findings, the Chairperson may present the findings at this meeting. For others, the meeting may represent a round table discussion and question and answer session about the findings. The CO/SSA should be consulted about the desired format of the meeting.

M. Competitive Range (CR) Decision – In those cases where the CO determines that discussions are necessary, a CR will be determined and the basis for the determination shall be documented.

N. Final Proposal Revisions (FPR) – When the CO determines that discussions are necessary, letters shall be forwarded to the offerors with questions that need to be addressed. In the letters asking questions, the CO shall identify an anticipated common cut off date for receipt of FPR's; however, the CO should not declare discussions complete or set the date for receipt of the FPR until the responses to the questions have been reviewed in case follow-up questions are necessary.

O. Final Evaluation - Final evaluations shall be completed in instances where discussions were held and FPRs are received. The final evaluation shall follow the format of the initial evaluation and show traceability from the initial findings.

Note: A suggestion for showing traceability from initial report to final report is to line through findings which have been deleted as a result of discussions and show in italics findings which were added as a result of discussions with the offeror(s). Other factors - describe what has been changed in narrative and show the complete final findings. It is unnecessary to show the final probable cost as “line through/italics” findings.